



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 12

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DIRECTOR OFFICE  
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In re Application of: Cronin )  
Application No. 09/781,361 )  
Attorney Docket No. ipCG-509 ) **DECISION ON PETITION TO**  
Filed: February 12, 2001 ) **WITHDRAW HOLDING OF**  
For: INVENTION INTERVIEW PROCESS ) **ABANDONMENT UNDER 37 CFR**  
 ) **§1.181**  
 )

This is a decision on the petition, filed January 18, 2005 (Paper No. 11), requesting the Withdrawal of the Holding of Abandonment of the above-identified application, which has been treated as a petition under 37 CFR §1.181. The application was abandoned for failure to file a timely response to the Office action mailed on December 04, 2003 (Paper No. 7). A Notice of Abandonment was mailed December 10, 2004 (Paper No. 10).

In support of the petition, Petitioner provides a copy of (1) an amendment filed March 04, 2004 in response to the Office action of mail date December 04, 2003. Petitioner has provided true copies of the March 04, 2004 Response and the corresponding Official Auto-Reply Facsimile Transmission verification page as Exhibit C. Petitioner has also noted the communication with the examiner Holmes, Michael B. through the telephone interview on September 20, 2004 (Paper No. 9). In any event, the fact that the amendment was timely filed negates the actions taken by the examiner in accordance with the interview. The Office regrets any inconveniences this may have caused the applicant.

Petitioner has established that a response was filed on March 04, 2004, submitted via facsimile to the Office action mailed December 04, 2003 and official Auto-Reply Facsimile Transmission verification page as Exhibit C.

M.P.E.P. § 512 states:

512 [R-2] Certificate of Mailing or Transmission

37 CFR 1.8. Certificate of mailing or transmission.

(a) Except in the cases enumerated in paragraph (a)(2) of this section, correspondence required

to be filed in the Patent and Trademark Office within a set period of time will be considered as being timely filed if the procedure described in this section is followed. The actual date of receipt will be used for all other purposes.

(1) Correspondence will be considered as being timely filed if:

(i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:

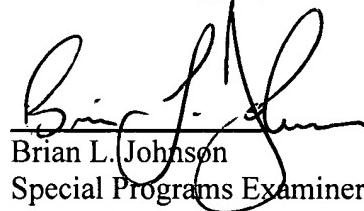
(A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail; or

(B) Transmitted by facsimile to the Patent and Trademark Office in accordance with § 1.6(d); and

(ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

Accordingly, the petition is **GRANTED**. The Notice of Abandonment is **WITHDRAWN**.

The application is being forwarded to the Technology Center support staff for processing of the amendment filed March 04, 2004. After processing, the application will then be forwarded to the Examiner for appropriate action.



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